

Intertec Aviation, L.P. and Steven W. Collins, Employee-Petitioner, and Teamsters Local 2707, Airline, Aerospace and Allied Employees, Teamsters Airline Division, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO. Case 28-RD-637

DECISION AND ORDER

October 22, 1990

BY CHAIRMAN STEPHENS AND MEMBERS
CRACRAFT AND OVIATT

Upon a petition filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Hearing Officer Bruce R. Kettler. Following the hearing, and pursuant to the National Labor Relations Board Rules and Regulations, this case was transferred to the National Labor Relations Board for decision.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the hearing officer's rulings made at the hearing and finds that they are free from prejudicial error. They are affirmed.

On the entire record in this case, the Board finds:

Intertec Aviation, L.P. (Intertec) is a Delaware limited partnership with its headquarters and principal place of business in Goodyear, Arizona. Intertec maintains and services aircraft for several air carriers. Its mechanics perform work that is traditionally performed by employees of air carriers.

Intertec is 99 percent owned by Dalfort Corporation, a holding company which owns Dalfort Aviation, Inc. (Dalfort Aviation) and other businesses. Dalfort Aviation is an FAA certified aircraft maintenance facility in Dallas, Texas. The National Mediation Board has previously determined that Dalfort Corporation is a carrier within the meaning of the Railway Labor Act.¹ Dalfort Corporation advertises the services of Dalfort Aviation

and Intertec together. Dalfort Corporation's president signed a collective-bargaining agreement with the Union on Intertec's behalf. Intertec's general manager reports to Dalfort Corporation's president. There is an interchange of employees between Dalfort Aviation and Intertec.

The Union contends that jurisdiction over the Employer's operations is with the National Mediation Board under the Railway Labor Act.² The Petitioner asserts that jurisdiction is properly with the Board. The Employer takes no position concerning the jurisdictional issue.

Section 2(2) of the Act provides in pertinent part that the term "employer" as used in the National Labor Relations Act shall not include any person subject to the Railway Labor Act.

Accordingly, because of the nature of the jurisdictional question presented here, we requested the National Mediation Board to study the record in this case and to determine the applicability of the Railway Labor Act to Intertec. In reply, we were advised by the National Mediation Board that it had concluded:

Based upon the above information, Dalfort Corporation directly owns Intertec. Since Intertec is directly owned and substantially controlled by a carrier, we do not decide whether its air carrier customers exercise direct or indirect control over it. Since Dalfort Corporation is a carrier under the Railway Labor Act, the Board is of the opinion that Intertec and its employees are subject to the Railway Labor Act.³

In view of the foregoing, we shall dismiss the instant petition.

ORDER

It is ordered that the petition in Case 28-RD-637 is dismissed.

²In support of its contention, the Union filed an "Application For Investigation of Representation Dispute" with the National Mediation Board on July 13, 1990.

³*Intertec Aviation*, 17 NMB 487 (1990).

¹See *Dalfort Corp.*, 16 NMB 275, 276 (1989).